

Developing Project-Level Child Labor Definitions: Creating a Common Understanding of the Legal Framework

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This document provides guidance in developing project-level definitions of child labor for projects that will not directly collect data on child labor from households, including parents and/or children.¹ The purpose of these definitions is to serve as a basis for common understanding of child labor among project staff and relevant stakeholders, which could be government partners, NGO, private sector, civil society staff, journalists, and others. These definitions will provide a solid underpinning for efforts related to monitoring and enforcement of labor laws, revision of national labor and social protection policies and legislation, development of social compliance and monitoring systems, raising awareness about child labor, and any other relevant project activity.

OCFT developed this guide to help grantees produce two key outputs that will support a common understanding of definitions: 1) a table outlining the national and international legal frameworks for key terms needing definition, highlighting any differences between the two; 2) a visual conceptual framework to be used in communications with stakeholders.

This guide includes the following sections:

- 1) Terms to Define
- 2) Table of National and International Legal Frameworks Relevant to Child Labor Definitions (Output 1)
- 3) Example Visual Conceptual Frameworks for Child Labor Definitions (Output 2)

OCFT must review and approve project definitions prior to their use. Grantees should discuss the timeline for developing these definitions with OCFT, including whether they must be completed prior to the start of situational analysis, KAP surveys, or other project activities. Therefore, OCFT recommends that projects start the development of child labor definitions as soon as possible after project award (see OCFT's Management Procedures and Guidelines for timelines). Grantees should review this guidance document carefully and contact the relevant OCFT Project Manager and/or M&E team member with any questions.

¹ OCFT projects providing direct services to participants are required to conduct area-based, child labor prevalence surveys. Direct service projects should follow a separate, more detailed definitions guide aimed at assisting projects to develop measurable definitions of child labor. Please contact OCFT for the more detailed guide.

1) Terms to Define

Using the national and international legal frameworks, projects must develop definitions of the following terms:

1. Child
2. Legally Working Children²
3. Children engaged in Child Labor (CL)
4. Children engaged in Hazardous Child Labor (HCL)
5. Children engaged in other Worst Forms of Child Labor (oWFCL)

2) Table of National and International Legal Frameworks Relevant to Child Labor Definitions (Output 1)

To create child labor definitions, projects should begin from ILO Convention Nos. 138 on Minimum Age, 182 on Worst Forms of Child Labor, Recommendation 190 on detailing Hazardous Work, and the Convention on the Rights of the Child (and Optional Protocols related to the sale of children, prostitution and child pornography; and children in armed conflict). The International Conference of Labor Statisticians (ICLS) provides useful resources related to the measurement of child labor. All of these legal frameworks and resources are incorporated in Table 1, below.

Required Output 1 is a table detailing the relevant international and national legislation, to be used as the basis for project definitions. Table 1, below, which summarizes relevant international legal frameworks, is intended to be the starting point for developing project-level definitions. Projects may use this table as a template or develop their own format. Projects are encouraged to include the exact international legal framework language below and should add in relevant language from national legislation. Projects should also locate and review in detail relevant national legislation and hazardous work lists to develop definitions per the highlighted information at the beginning of each section. Projects may refer to the relevant country report in OCFT's most recent *Findings on the Worst Forms of Child Labor* report³ to determine if a hazardous work list or other relevant national laws exist. Projects may also use the ILO's NORMLEX database⁴ to verify the international legislation ratified by countries, and the ILO's NATLEX database⁵ to identify relevant national legislation. The report includes sources

² Please note the difference between the terms *Working Children* and *Legally Working Children*. *Working Children* includes all children who engage in any economic activities, including both permissible work and child labor. *Legally Working Children* is a subset of *Working Children* and excludes those engaged in child labor. For the purpose of a project-level definition, *Legally Working Children* should be defined, not *Working Children*.

³ OCFT, Findings on the Worst Forms of Child Labor. Available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>

⁴ ILO NORMLEX is a database showing countries' ratification status of international labor standards, searchable by country. Available at: <http://www.ilo.org/dyn/normlex/en/f?p=1000:11003::NO::>

⁵ ILO NATLEX is a database of national labour social security and related human rights legislation, searchable by country. Available at: http://www.ilo.org/dyn/natlex/natlex4.byCountry?p_lang=en

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specifying where to locate these documents. Projects should also consider using resources from the country's National Statistical Offices during recent National Child Labor Surveys, if available, to understand any major differences between international requirements and existing data, if these differences will be relevant to stakeholder engagement or other project activities. For example, if a recent National Child Labor Survey finds a certain percentage of children engaged in child labor, it would be relevant to know what types of child labor are included in, or excluded from that estimate.

To facilitate easy transfer of the definitions to the visual frameworks, we recommend that all definitions first specify the age group to which the legal requirements apply. For example, age 5-12, 13-15, and 16-17 usually have different prohibitions related to child labor.

Table 1: Child Labor Definitions – National and International Legal Frameworks

Term	Definition
Child	<p>National legal framework: <i>Include here the national legal framework text defining the age of children, with citations.</i></p> <p>International legal framework: Individuals under the age of 18 years.</p>
Legally Working Children	<p>National legal framework: <i>Include here the legal working ages, allowable number of hours, conditions, and time of day for legal work by age, including any national legal framework definitions of legal work for children, which may include the Labor Code, Constitution, and various education laws. For national legal frameworks, each line of text should cite relevant legal documents/sources. Highlight any conflicts between the national and international legal frameworks.</i></p> <p>International legal framework:</p> <p>Any child engaged in 'acceptable work'. "Acceptable work," while not specifically defined in the ILO Conventions, includes work that is performed by children who are of legal working age, in accordance with national legislation and international standards, namely ILO Conventions 182 and 138; non-hazardous; non-exploitative; and does not prevent a child from receiving the full benefit of an education.</p> <p>In addition, "acceptable work" would generally include light work that is compatible with national minimum age legislation and education laws. Light Work is defined in Article 7 of Convention 138⁶ as employment or work performed by children age 13 to 15 that is:</p>

⁶ ILO Convention 138:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C138

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	<ul style="list-style-type: none"> ▪ <i>not likely to be harmful to their health or development; and</i> ▪ <i>not such as to prejudice their attendance at school, their participation in vocational orientation or training programs approved by the competent authority or their capacity to benefit from the instruction received.</i> <p>The ICLS recommends that, where no national legislation on light work is available, light work for children should not exceed 14 hours during the referenced week (i.e. more than 14 hours of light work per week for children age 13 – 15 should be considered child labor).⁷</p>
Children engaged in Child Labor (CL)	<p>National legal framework:</p> <p><i>Include here the relevant child labor age ranges, with prohibited number of hours, conditions, industries and time of day by age, including any national legal framework definitions of legal work for children, which may include the Labor Code, Constitution, and various education laws. Projects should also note whether household chores in a child's own home are considered to be work under the national legal framework. For national legal frameworks, each line of text should cite relevant legal documents/sources. Highlight any conflicts between the national and international legal frameworks.</i></p> <p>International Legal Framework:</p> <p>“Child labor” is defined by a combination of three international conventions and individual countries’ legal frameworks.</p> <p>1) U.N. Convention on the Rights of the Child (1989)⁸ (UN CRC) and its Optional Protocols provide an overall framework of human rights for children, including their right to protection from economic exploitation, including hazardous work and specifications related to other worst forms of child labor. (See WFCL definition for more details). Article 32 states:</p> <p style="padding-left: 40px;"><i>1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.</i></p> <p>2) ILO Convention 138 on the Minimum Age (1973)⁹ sets age 15 as the minimum age for ordinary work, age 18 as the minimum age for hazardous work, and age 13 as the minimum age for light work. Developing economies may specify age 14 as the minimum age for ordinary work, per the full convention text.</p>

⁷ ILO. *Resolution II: Resolution Concerning Statistics of Child Labor*. ICLS 18th Conference, 2008. pg. 56-66. Available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_101467.pdf

⁸ UN Convention on the Rights of the Child: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁹ ILO Convention 138: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C138

	<p>3) Much more specific is ILO Convention 182 on the Worst Forms of Child Labor (1999)¹⁰, which prohibits the use of children in slavery, commercial sexual exploitation, and other illicit activities (such as drug trafficking), and hazardous work, or “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” While ILO’s Worst Forms of Child Labor Recommendation, 1999 (No. 190) attempts to further define the Worst Forms, according to Article 4 of Convention 182, countries are able to define hazardous work in their own context, meaning that there is no single legal definition of child labor that can be used around the world. Taken together, ILO Conventions 182 and 138 and ILO Recommendation 190 provide the definitional basis for the following terms: child labor, worst forms of child labor, and hazardous work for children. See more detail on this term in the WFCL definition below.</p> <p>Child labor is broader than WFCL but a narrower concept than “children in employment” or “working children”, as Child Labor excludes children working legally. Children working legally are children who are working only a few hours a week in permitted light work and those above the minimum age whose work is not classified as a worst form of child labor (WFCL includes hazardous child labor). Child Labor includes those children (minors under age 18) working in the worst forms of child labor as outlined in ILO Convention 182 and children engaged in work that is exploitative and/or interferes with their ability to participate and complete required years of schooling, in line with ILO Convention 138, Article 7. Child labor also includes children under the minimum age for work engaged in economic activities, and children who are engaged in light work beyond the number of hours allowable by law.</p> <p>Household Chores. Household chores, or unpaid household services in a child’s own home, are different than home-based economic activities or domestic service (i.e., working as a domestic servant at someone else’s home). In many contexts, household chores are an important part of children’s daily activities and may affect their development and well-being. However, the International Conference of Labor Statisticians at the ILO cites an analysis of survey data of 65 countries which concluded that “Children’s participation in household chores for over 20 hours per week has a negative effect on children’s school attendance.”¹¹ In the absence of an internationally agreed-upon consensus on how to define the number of hours after which household chores become hazardous, projects should not include long hours in household chores in the definition of child labor unless national legislation provides further guidance, or unless otherwise agreed with project stakeholders and OCFT. However, household chores or unpaid household services that include hazardous activities or are completed under hazardous conditions, per ILO C. 182, Recommendation 190, and national legislation, should</p>
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¹⁰ ILO Convention 182:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

¹¹ ILO. *Report III: Report of the Conference*. ICLS 19th Conference, 2013. Pg. 9. Available at:

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_234124.pdf

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	be considered hazardous work. Please see Figure 2 at the end of this document for an example.
Children engaged in Hazardous Child Labor (HCL)	<p>National legal framework: <i>Include here any further national legal framework definitions of hazardous work, which may come from the Labor Code or Hazardous Work List, and may include additional information on hours, conditions, industries and occupations considered to be hazardous for children under 18. If the country is covered by the USDOL Findings on the Worst Forms of Child Labor report¹², this is a great place to start to know what relevant national legal framework exists. For both national and international legal frameworks, each line of text should cite relevant legal documents/sources. Highlight any conflicts between the national and international legal frameworks.</i></p> <p>International Legal Framework:</p> <p>Hazardous Child Labor (HCL) is a subset of the Worst Forms of Child Labor. The international legal framework for ‘hazardous child labor’ stems from Part D of ILO Convention 182¹³:</p> <p style="padding-left: 40px;"><i>D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.</i></p> <p>According to ILO Convention 182, hazardous work “shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards...” As this suggests, forms of work identified as “hazardous” for children [Article 3(d)] may vary from country to country.</p> <p>ILO Recommendation 190¹⁴ gives additional guidance on identifying “hazardous work.” Recommendation 190 states in Section II, Paragraph 3 that, “[i]n determining the types of work referred to under Article 3(d) of the Convention [ILO Convention 182], and in identifying where they exist, consideration should be given, inter alia to:</p> <ul style="list-style-type: none"> <i>(a) work which exposes children to physical, psychological, or sexual abuse;</i> <i>(b) work underground, under water, at dangerous heights or in confined spaces;</i> <i>(c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;</i> <i>(d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise</i>

¹² OCFT, Findings on the Worst Forms of Child Labor. Available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>

¹³ ILO Convention 182:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

¹⁴ ILO Recommendation 190: <http://www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chir.htm>

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	<p><i>levels, or vibrations damaging to their health;</i></p> <p><i>(e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.</i></p> <p>ILO Recommendation No. 190 goes on to state in Paragraph 4 that, “[f]or the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers’ and employers’ organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.”</p> <p>Many countries have developed country-specific Hazardous Work Lists to help further specify what constitutes Hazardous Child Labor, and these lists should be included (or referenced) here.</p>
<p>Children engaged in other Worst Forms of Child Labor (oWFCL) (if applicable)</p>	<p>National legal framework:</p> <p><i>Include here any further national legal framework definitions of the WFCL (C. 182, part A-C, below) for children, which may come from the Labor Code, Constitution, and Penal Code. For both national and international legal frameworks, each line of text should cite relevant legal documents/sources. Highlight any conflicts between the national and international legal frameworks.</i></p> <p>International Legal Framework:</p> <p>For the project definition, Other Worst Forms of Child Labor (oWFCL) should include Parts (a)-(c) as defined in ILO Convention 182:</p> <ul style="list-style-type: none"> <i>(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;</i> <i>(b) the use, procuring or offering of a child for prostitution, the production of pornography or for pornographic performances;</i> <i>(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties.</i> <p>OCFT defines the Worst Forms of Child Labor using ILO Convention 182¹⁵, although the UN Convention on the Rights of the Child (UN CRC) also specifically outlines other related protections that may be relevant for some projects, depending on context.</p>

¹⁵ ILO Convention 182:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

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	<p>The UN Convention on the Rights of the Child¹⁶ and Optional Protocols supports ILO Convention 182 related to the use of children in drug production and trafficking (CRC Article 33); the sale or trafficking of children, and the use of children in prostitution and pornography (CRC Articles 34-35 and Optional Protocol¹⁷); and the involvement of children in armed conflict (CRC Article 38 and Optional Protocol¹⁸).</p>
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3) Example Visual Conceptual Frameworks for Child Labor Definitions (Output 2)

When communicating the concept of child labor to non-child labor experts, it can be helpful to use a graphic tool to help stakeholders visualize the concept of child labor. These visual conceptual frameworks may be used in communicating the meaning of child labor to stakeholders, project staff, and others. This section includes two examples of a visual conceptual framework. Each project must develop one conceptual visual framework that reflects the international and national legal frameworks outlined in the definitions table, above. Where there are differences in the national and international legal frameworks, projects should discuss with OCFT how to develop the most useful visual conceptual frameworks; projects do not need to use the exact examples provided below. The OCFT Monitoring and Evaluation Team is available to support the development of these frameworks upon request.

¹⁶ UN Convention on the Rights of the Child: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁷ Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>

¹⁸ Optional Protocol on the Involvement of Children in Armed Conflict:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

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Figure 1: Visual Framework - Table Format¹⁹

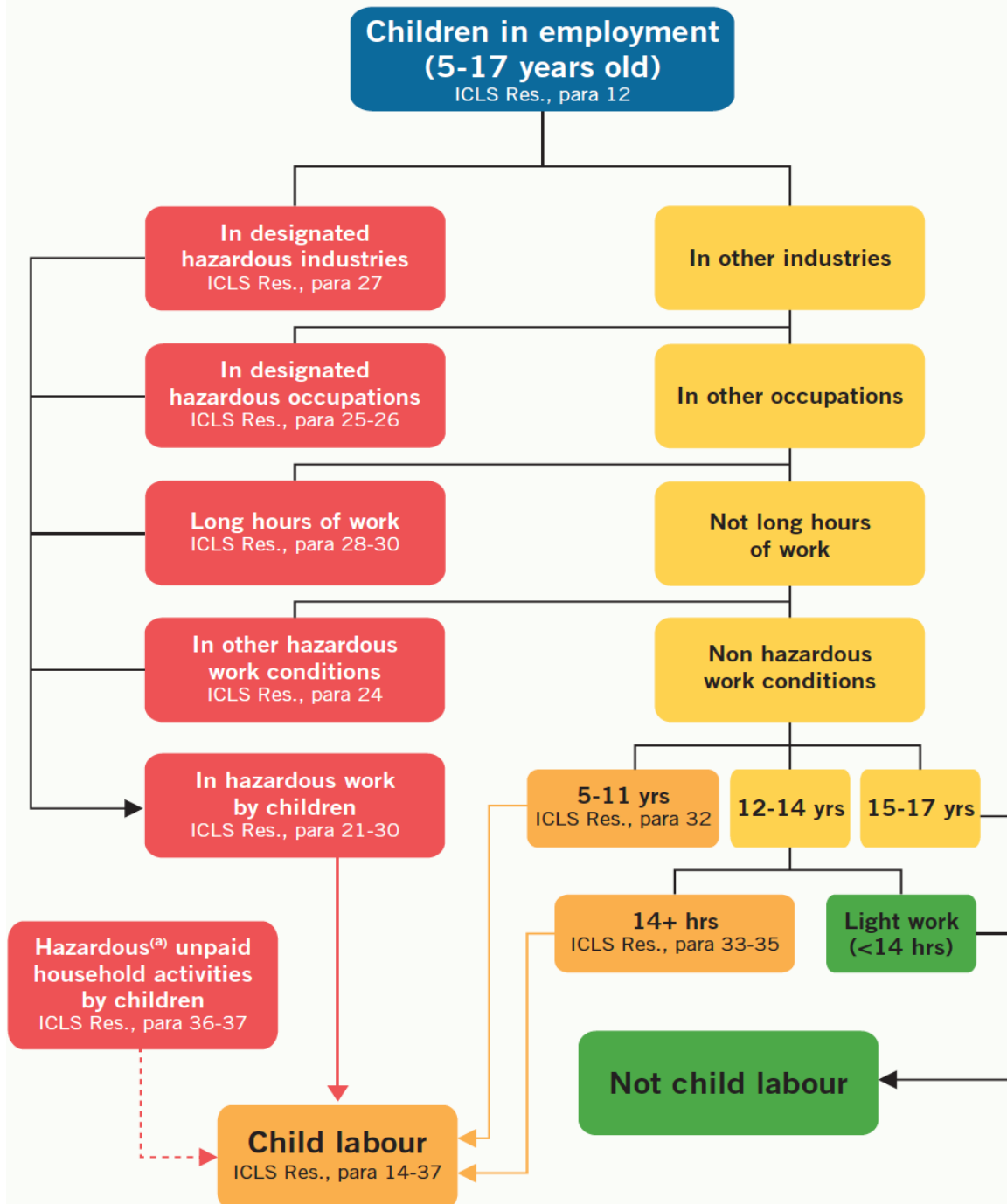
Age group		Children's work and employment				
		(1) Work not designated as hazardous			(2) Worst forms of child labour (WFCL)	
		(1a) Excluded forms of work	(1b) Light work	(1c) Other forms of work not designated as hazardous	(2a) Hazardous work	(2b) WFCL other than hazardous work
Children below minimum age specified for light work	Children aged 5–11 years	Non-economic production (mainly, unpaid household services)			Hazardous work (in industries and occupations designated as hazardous, 43 or more hours per week in industries and occupations not designated as hazardous)	Trafficked children, forced and bonded child labour, commercial sexual exploitation of children, use of children for illicit activities
Children within the age range specified for light work	Children aged 12–14 years	Work not designated as hazardous in activities included in the SNA production boundary performed for <i>less than</i> 14 hours per week				
Children at or above the general minimum working age	Children aged 15–17 years	Work not designated as hazardous in activities included in the SNA production boundary performed for 14 or more hours per week, but <i>less than</i> 43 hours per week				

¹⁹ ILO. *Resolution II: Resolution Concerning Statistics of Child Labor*. ICLS 18th Conference, 2008. pg. 56-66. Available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_101467.pdf

Please note that the 'light work' concept and age range should not be included in this table for countries where no national legislation exists relating to this concept.

Figure 2: Visual Framework - Flowchart Format²⁰

Figure 22. Conceptual framework of the ILO global estimation of child labour



²⁰ ILO. *Marking Progress Against Child Labor: Global Estimates and trends 200-2012*. Page 47. Available at: http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_221513.pdf

Figure 3: Example Visual Framework Flowchart from an OCFT project in a country with age 14 as the minimum age for work

